

EMPLOYER DETERMINATION

Flats Industrial Railroad Company, Inc.

This is a determination of the Railroad Retirement Board concerning the status of Flats Industrial Railroad Company, Inc. (FIRC) as an employer under the Railroad Retirement Act (45 U.S.C. § 231 et seq.)(RRA) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.)(RUIA).

In Surface Transportation Board Finance Docket No. 33044, decided October 3, 1996, FIRC filed a verified notice of exemption to acquire and operate approximately 4 miles of rail line owned by Consolidated Rail Corporation (Conrail), B.A. No. 1321. The rail line is between milepost 14 at Cleveland, Cuyahoga County, Ohio and milepost 10 at Carter Road, Cuyahoga County, Ohio. The transaction was consummated on October 7, 1996.

Information regarding FIRC was provided by Mr. Tim Ladd, manager of FIRC. According to Mr. Ladd, FIRC is a subsidiary of Casco Bay Tug Boats, a private corporation. He stated that FIRC is a terminal switching company which delivers railcars between Conrail and shippers at the end of the four-mile rail line. He stated that FIRC began start-up operations on October 7, 1996, the date FIRC acquired the rail line from Conrail. Mr. Arthur Fouriner is owner and president of FIRC. He also stated that FIRC has three employees who were compensated by Casco from October 7, 1996 until February 15, 1997, the date FIRC first compensated its employees.

The evidence of record establishes that FIRC is a carrier operating in interstate commerce. Accordingly, it is determined that Flats Industrial Railroad Company, Inc. is an employer within the meaning of section 1(a)(1)(i) of the Railroad Retirement Act (45 U.S.C. §231(a)(1)(i)) and the corresponding provision of the Railroad Unemployment Insurance Act effective October 7, 1996, the date on which its employees were first compensated.

Glen L. Bower

V. M. Speakman, Jr.

Jerome F. Kever

TO : The Board

FROM : Catherine C. Cook
General Counsel

SUBJECT : Coverage Determination
Flats Industrial Railroad Company, Inc.

Attached is a proposed coverage ruling for Board approval.

Attachment